

EXHIBIT H

DAVID LAZAR Confidential
 SCHIFF vs CITY AND COUNTY OF SAN FRANCISCO

November 12, 2021
 1-4

Page 1	Page 3
<p>1 UNITED STATES DISTRICT COURT 2 NORTHERN DISTRICT OF CALIFORNIA 3 FREDERICK (RIC) SCHIFF; GLENN) 4 BRAKEL; ALICE DICROCE; JOSEPH) 5 EMANUEL; BRIAN GREER; CLAYTON) 6 HARMSTON; STEVEN HASKELL; MICAH) 7 HOPE; DANIEL KELLY; ALEXANDER) 8 LENTZ; BRANDON MCKELLEY; GERALD) 9 NEWBECK; DAVID O'KEEFFE;) 10 CHRISTOPHER RITTER; STEVEN UANG) 11 and THOMAS WALSH,) 12) 13 Plaintiffs,) 14) 15 vs.) Case No. 16) 4:19-cv-03260-YGR 17) 18 CITY AND COUNTY OF SAN FRANCISCO;) 19 GREG SUHR, individually; WILLIAM) 20 (BILL) SCOTT, individually; and) 21 DOES 1-20,) 22) 23 Defendants.) 24) 25 (CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER)</p> <p>DEPOSITION OF DAVID LAZAR Taken on Friday, November 12, 2021 1:04 p.m. (Via Zoom conference)</p> <p>Reported by: Michelle K. Seymour, RPR, CCR, CSR, Arizona CCR #50710 / California CSR #5643</p>	<p>1 I N D E X 2 3 Witness Page 4 DAVID LAZAR 5 Examination by Mr. Mullanax 4 6 7 8 Exhibits 9 Exhibit No. 1 for Id. (8 pages) 13 10 Sergeants Secondary Criteria Recommendations 11 Exhibit No. 2 for Id. (5 pages) 18 12 Lieutenant Secondary Criteria Recommendations 13 Exhibit No. 3 for Id. (1 page) 20 14 Captain Secondary Criteria Recommendations 15 16 17 18 19 20 21 22 23 24 25</p>
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<p>1 Appearances: 2 3 For the Plaintiffs: 4 M. Greg Mullanax, Esq. 5 LAW OFFICE OF M. GREG MULLANAX 6 2140 North Winery Avenue, Suite 101 7 Fresno, California 93703 8 (559) 420-1222 9 greg@lawmgm.com 10 11 For the Defendants: 12 Peter A. Cownan, Esq. 13 OFFICE OF THE CITY ATTORNEY 14 1390 Market Street, Fifth Floor 15 San Francisco, California 94102 16 (415) 554-3863 17 peter.cowan@sfcityatty.org 18 19 Also Present: 20 Clayton Harmston 21 Frederick Schiff 22 23 24 25</p>	<p>1 DEPOSITION OF DAVID LAZAR 2 3 The deposition of DAVID LAZAR was taken 4 pursuant to Notice before Michelle K. Seymour, an 5 Arizona CCR, California CSR, on November 12, 2021, 6 commencing at 1:04 p.m., with all parties appearing 7 via Zoom conference. 8 The following proceedings were had: 9 Thereupon -- 10 DAVID LAZAR, 11 was called as a witness by the Plaintiffs, and having 12 been first duly sworn by the Court Reporter, was 13 examined, and testified as follows: 14 THE WITNESS: I do. 15 * * * * * 16 EXAMINATION 17 BY MR. MULLANAX: 18 Q. Good afternoon, Chief. Is it Lazar? Am I 19 pronouncing your name correctly? 20 A. Yes, Lazar. David Lazar. 21 Q. Where are you located right now? 22 A. Right now, I'm located in my office at 23 police headquarters, 1245 3rd Street, on the Fifth 24 Floor. 25 Q. As I said early earlier, my name is Greg</p>



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<p style="text-align: right;">Page 5</p> <p>1 Mullanax, I represent the plaintiffs in this case and</p> <p>2 we're here to take your deposition here today.</p> <p>3 And so, I just have a couple preliminary</p> <p>4 questions.</p> <p>5 Have you ever reviewed any documents in</p> <p>6 preparation for your testimony today?</p> <p>7 A. No.</p> <p>8 Q. Have you been deposed before?</p> <p>9 A. Yes.</p> <p>10 Q. Do you know approximately how many times?</p> <p>11 A. Approximately, if I had -- well, I'm</p> <p>12 guessing by saying three.</p> <p>13 Q. And I'm sure over your career you've</p> <p>14 testified in court quite a bit, haven't you?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. The deposition today is, your</p> <p>17 testimony is under oath, just like you were</p> <p>18 testifying in court. So just keep that in mind.</p> <p>19 And also, I only want to ask you about your</p> <p>20 personal knowledge about the subject. So if you have</p> <p>21 no knowledge, just tell us. I don't want you to</p> <p>22 speculate or guess about anything.</p> <p>23 Do you understand that?</p> <p>24 A. Yes.</p> <p>25 Q. Also, if I ask you a question and you don't</p>	<p style="text-align: right;">Page 7</p> <p>1 there, I went to Potrero Station. And from there, I</p> <p>2 went to Mission Station. At Mission Station, I was a</p> <p>3 patrol officer and a field training officer.</p> <p>4 In June of 1996, I was promoted to the rank</p> <p>5 of sergeant where I was assigned to Ingleside Station</p> <p>6 as a patrol sergeant for approximately two and a half</p> <p>7 years, at which point I was promoted again to the</p> <p>8 rank of inspector.</p> <p>9 In January of 1999, I went to the street</p> <p>10 enforcement, street crimes unit. I think it was</p> <p>11 called -- it wasn't -- it wasn't -- yeah, it was</p> <p>12 called Night Enforcement. So, Night Enforcement</p> <p>13 Unit, I went there, spent a month there. And from</p> <p>14 there, I went to the general work detail,</p> <p>15 investigating crime for a month during training</p> <p>16 program as an investigator. From there, I went to</p> <p>17 the auto detail, investigating auto theft and auto</p> <p>18 burglary. And then after that, for the next two</p> <p>19 years, I was in the Vice Crimes Division, where I</p> <p>20 investigated those who solicited undercover decoy</p> <p>21 female officers for prostitution and worked on</p> <p>22 pimping cases for two years.</p> <p>23 In May of 2001, I was promoted to the rank</p> <p>24 of lieutenant, where I was assigned as a platoon</p> <p>25 commander at Richmond Station, followed by Bayview</p>
<p style="text-align: right;">Page 6</p> <p>1 understand it, please let me know and I'll be happy</p> <p>2 to re-ask it.</p> <p>3 Do you understand that?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And if you want to take a break for</p> <p>6 any reason, let us know and we'll be happy to take a</p> <p>7 break.</p> <p>8 A. Yes. Okay. Thank you.</p> <p>9 Q. Okay. Can you hear me okay?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. Good. First of all, what I'd like</p> <p>12 to do -- if it's okay with Peter -- if you could just</p> <p>13 give us a narrative of your career in the San</p> <p>14 Francisco Police Department, starting at about when</p> <p>15 you were hired, up to your position now.</p> <p>16 A. Okay. That's the first half hour, so I</p> <p>17 hope you're ready.</p> <p>18 Q. Okay. I'm ready.</p> <p>19 A. A lot to it. Okay. So, I joined the San</p> <p>20 Francisco Police Department on December 2nd, 1991.</p> <p>21 And after graduating from the police academy, I went</p> <p>22 to Central Police Station for field training. And I</p> <p>23 then, from there, went to the Tenderloin Task Force,</p> <p>24 for probation as a patrol officer. And then I went</p> <p>25 to Taraval Station as a patrol officer. Then, from</p>	<p style="text-align: right;">Page 8</p> <p>1 Station, where I was a platoon commander and worked</p> <p>2 on Operation Cease Fire.</p> <p>3 I then was transferred to Southern Station</p> <p>4 and was there for a little while, but then I was</p> <p>5 selected for the police academy. I was a director</p> <p>6 for the police academy for another two years, at</p> <p>7 which point I was transferred to the Field Operations</p> <p>8 Bureau and started a program called Operation</p> <p>9 Outreach, being the department's point person on all</p> <p>10 homelessness, working with other city agencies in a</p> <p>11 collaborative way to deal with homelessness. I did</p> <p>12 that for approximately, I think, two years.</p> <p>13 I was a lieutenant for six and a half years</p> <p>14 total, at which point, on January 12, 2008, I was</p> <p>15 promoted to the rank of captain. As the captain, I</p> <p>16 served as the night supervising captain. I did a</p> <p>17 small stint as the commanding officer of Southern</p> <p>18 Station. I then went to the Investigations Bureau</p> <p>19 again and worked as a captain of overseeing the</p> <p>20 Family Services Division, which included domestic</p> <p>21 violence and child abuse. I then went to the</p> <p>22 Personal Crimes Division, overseeing homicide,</p> <p>23 robbery, and, again, task force.</p> <p>24 In April of 2009, I transferred to</p> <p>25 Ingleside Station as the captain, where I implemented</p>



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<p style="text-align: right;">Page 9</p> <p>1 some police reform at the time, about 47</p> <p>2 recommendations on police reform. I spent a year</p> <p>3 there. And then we had an issue with the crime lab</p> <p>4 tech stealing drugs and I was transferred from</p> <p>5 Ingleside Station to the Forensic Services Division</p> <p>6 to address the problems there. I spent just a few</p> <p>7 months there.</p> <p>8 I went back to field operations, and then I</p> <p>9 was promoted to rank of commander. So this is around</p> <p>10 2010. As a commander, I oversaw the investigations,</p> <p>11 at the time the Investigations Division. So if you</p> <p>12 think about everything having to do with</p> <p>13 investigations, all the units within that, I oversaw</p> <p>14 that. That lasted for about ten months.</p> <p>15 We got a new chief of police who put me</p> <p>16 back to captain and made me in charge of the planning</p> <p>17 for America's Cup, and also the Urban Area Security</p> <p>18 Initiative, managing about \$4 million of Homeland</p> <p>19 Security funding for projects for the department. I</p> <p>20 spent about 19 months there.</p> <p>21 And then I went to the police academy</p> <p>22 again, this time as the commanding officer of the</p> <p>23 Training Division, where I spent about a year and a</p> <p>24 few months.</p> <p>25 And then, in May of 2014, I became the</p>	<p style="text-align: right;">Page 11</p> <p>1 Q. Congratulations.</p> <p>2 A. Thank you.</p> <p>3 Q. That's something.</p> <p>4 What I'd like to ask you is, back in 2017,</p> <p>5 is that when you were promoted to deputy chief?</p> <p>6 A. I was promoted to commander on February</p> <p>7 23rd, 2017.</p> <p>8 Q. And so you were commander, you were</p> <p>9 promoted to commander then?</p> <p>10 A. Yes.</p> <p>11 Q. That was under Chief Scott?</p> <p>12 A. Yes.</p> <p>13 Q. And prior to that, had you ever been</p> <p>14 involved in the promotional process, other than you</p> <p>15 climbing the ladder, but being involved in</p> <p>16 promotional process in terms of making</p> <p>17 recommendations for promotions or anything like that?</p> <p>18 A. Not for recommendations, no.</p> <p>19 Q. Okay. What was your involvement in the</p> <p>20 promotional process? Let's say at the time you</p> <p>21 were -- let me rephrase that.</p> <p>22 Until the time you were promoted to</p> <p>23 commander in February of 2017, what had been your</p> <p>24 involvement in the promotional process at that point?</p> <p>25 A. My only involvement is I served as a</p>
<p style="text-align: right;">Page 10</p> <p>1 commanding officer of Central Police Station. So I</p> <p>2 was the Central Station captain for nearly three</p> <p>3 years, at which point Chief Scott came onboard and he</p> <p>4 promoted me back to commander, where I started the</p> <p>5 Community Engagement Division, where I was in charge</p> <p>6 of the Community Engagement Division. I spent a year</p> <p>7 to two and a half years as a commander.</p> <p>8 In September of 20- -- in September of</p> <p>9 2019, I was promoted to deputy chief. September 3rd,</p> <p>10 2019, I was put in charge of the Investigations</p> <p>11 Bureau, back to investigations again, where I spent a</p> <p>12 year and a half.</p> <p>13 In April of this year, I was moved over to</p> <p>14 the Field Operations Bureau, where I'm currently the</p> <p>15 deputy chief, in charge of field operations.</p> <p>16 Of course, I've had numerous lateral</p> <p>17 assignments, I've been an instructor at the academy,</p> <p>18 and done a whole host of things in the organization.</p> <p>19 Q. It sounds like you're probably one of the</p> <p>20 most experienced police officers in the police</p> <p>21 department.</p> <p>22 A. It just worked out that way, yes.</p> <p>23 Q. That's an impressive career.</p> <p>24 A. December 2nd is my 30th -- I complete 30</p> <p>25 years next month.</p>	<p style="text-align: right;">Page 12</p> <p>1 subject matter expert, over the years, maybe over a</p> <p>2 15-year span. I'm getting the dates -- from the rank</p> <p>3 of sergeant to the rank of captain, I helped</p> <p>4 construct four promotional examinations as a subject</p> <p>5 matter expert. But that was my only involvement in</p> <p>6 the process, per se.</p> <p>7 Q. When you became commander in February 2017,</p> <p>8 were you involved in promotional process at that</p> <p>9 point?</p> <p>10 A. No.</p> <p>11 Q. What about after you were promoted to</p> <p>12 commander?</p> <p>13 A. No.</p> <p>14 Q. When did you get involved in the</p> <p>15 promotional process again?</p> <p>16 A. Once I was selected as a deputy chief.</p> <p>17 Q. And that was in September of 2019?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. This may -- I'm just -- we only have</p> <p>20 three exhibits with you, so it should go fairly</p> <p>21 quickly. I just want to see if you can recognize any</p> <p>22 of these.</p> <p>23 And let me screen share this.</p> <p>24 Can you see this document, Chief?</p> <p>25 A. Yes.</p>



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<p style="text-align: right;">Page 13</p> <p>1 Q. And can you read it okay? Is it clear to 2 you? 3 A. Yes. 4 Q. Okay. Exhibit 1, let me just say for the 5 record, is an eight-page document, starting with page 6 CCSF-2097, and the last page of the exhibit is 7 20804. 8 (Exhibit 1 was marked and is attached 9 to the original transcript of the 10 deposition.) 11 BY MR. MULLANAX: 12 Q. I'm going to go back to the first page of 13 the document. 14 And do you recognize this document? 15 A. Yes. 16 Q. What is it? 17 A. This is a secondary criteria recommendation 18 sheet that I completed. 19 Q. Okay. And that's your handwriting on 20 there? 21 A. Yes. 22 Q. Do you know when you completed this form? 23 It's not dated is why I ask. 24 A. I don't know the exact date offhand, but it 25 was sometime -- it was -- it was in my role as a</p>	<p style="text-align: right;">Page 15</p> <p>1 A. Yes. It's made up of deputy chiefs and 2 assistant chiefs. 3 Q. Deputy chiefs and assistant chiefs. And 4 what's the process that you go through when you're 5 filling out this form? It doesn't have to be 6 specifically related to this Exhibit 1, but just 7 generally what's the process that you use when you 8 fill out this form? 9 A. The process is that you are quietly handed 10 an envelope, which is the secondary criteria package, 11 and you, being on the committee, you open up the 12 envelope, you review its contents, and then you 13 complete this sheet. 14 Q. And who else is in the room with you when 15 this is going on? 16 A. The staff services or human resources 17 manager, Ben Houston, who facilitates the process, 18 and then it's deputy chiefs and assistant chiefs who 19 are available for this, for this work. 20 Q. Now, when you're going through and 21 reviewing the secondary criteria, do you converse 22 with the other members of that committee when filling 23 out this form? 24 A. No. There's no -- there's no -- well, can 25 you rephrase the question?</p>
<p style="text-align: right;">Page 14</p> <p>1 deputy chief, so it had to have been after September 2 3rd, 2019. 3 Q. And when did you fill out this form? I 4 mean -- let me rephrase that. 5 We had testimony previously from others 6 that were involved with the committee, I guess, 7 commanders and stuff and deputy chiefs, that meet 8 together to go through the secondary criteria of the 9 applicants' files and then they fill out these 10 sheets. Is that the case here? 11 MR. COWNAN: Object to the form of the 12 question. 13 If you understand the question, you can 14 answer it. 15 THE WITNESS: I understand it, but 16 that's not -- the answer is no. It needs 17 clarification. I can clarify it. Or if you could 18 re-ask the question. Because you said commanders. 19 There are no commanders involved. 20 BY MR. MULLANAX: 21 Q. I apologize for that. I call -- I've been 22 calling it, shorthand, the "promotional committee." 23 That may not be the name you all use, but were you 24 meeting with the committee or the group of people who 25 filled these out when you filled that one out?</p>	<p style="text-align: right;">Page 16</p> <p>1 Q. Yeah. I'm sorry. I should have been more 2 specific. 3 When you're going through the secondary 4 criteria, and I presume you have this form in front 5 of you, do you discuss with the other members of the 6 committee anything about the candidates that you're 7 reviewing? 8 A. I would say, generally speaking, no. 9 Q. When you go through -- and could you, 10 please, just for the record, could you tell us what 11 secondary criteria is? 12 A. A secondary criteria is that after a 13 candidate for promotion takes the promotional 14 examination and scores on the civil service list, 15 then there are -- secondary criteria is actually the 16 next phase of their selection process, whereby they 17 are required to complete some documents, attach some 18 documents related to their experience, training, 19 employment history, and that gets reviewed by the 20 committee that you've identified. 21 Q. Okay. And if we go back and look at 22 Exhibit 1. Is this the form that you fill out when 23 you're reviewing those documents, the secondary 24 criteria documents? 25 A. Yes.</p>



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1 decisions, you weren't involved in the promotional
2 process then, but in your time there at the police
3 police department, did you hear of any complaints
4 from officers about the results of the promotional
5 process in 2017?

6 A. Not that I remember.

7 MR. MULLANAX: Okay. Could we take --
8 Peter, it's about 1:29. Could we take maybe a
9 five-minute break? And I think we'll be able to wrap
10 it up pretty quickly.

11 MR. COWNAN: Let's go off the record.

12 MR. MULLANAX: Okay. Let's go off the
13 record.

14 (There was a break taken at 1:29 p.m.
15 until 1:36 p.m.)

16 BY MR. MULLANAX:

17 Q. Chief, do you know what the "rule of ten"
18 is?

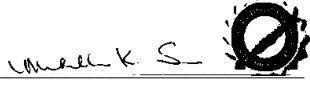
19 A. Yeah, I have a general understanding of the
20 rule of ten.

21 Q. What's your understanding of the rule of
22 ten?

23 A. My own personal understanding may not be a
24 hundred percent accurate, is that the selection
25 officer, the appointing officer of the organization,

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<p style="text-align: right;">Page 25</p> <p>1 maybe, in this case, the chief of our department, can</p> <p>2 select within that ten, that first ten, and once</p> <p>3 selections are made, the band starts to drop and that</p> <p>4 number starts to expand. But generally speaking, the</p> <p>5 rule of ten, names for selection.</p> <p>6 Q. Prior to, I guess, 2019, were you ever</p> <p>7 involved in the promotional process in terms of</p> <p>8 looking at the list, the promotional list, and</p> <p>9 figuring out the rule of ten and which order to go?</p> <p>10 A. No.</p> <p>11 Q. Were you ever involved in it after you</p> <p>12 became assistant chief?</p> <p>13 A. Deputy chief?</p> <p>14 Q. Deputy chief. I'm sorry. Deputy chief.</p> <p>15 A. No.</p> <p>16 Q. Now, back in 2017, there was a, I think, a</p> <p>17 women's group involved -- members of the San</p> <p>18 Francisco Police Department had a women's group, that</p> <p>19 they would meet occasionally. And are you aware of</p> <p>20 that group?</p> <p>21 A. Vaguely.</p> <p>22 Q. Well, there's been an allegation made there</p> <p>23 that Chief Scott spoke to that group in 2017 and</p> <p>24 talked about the promotional process. Do you recall</p> <p>25 ever attending a meeting like that with Chief Scott?</p>	<p style="text-align: right;">Page 27</p> <p style="text-align: center;">Certificate of Deponent</p> <p>1</p> <p>2</p> <p>3 I, DAVID LAZAR, Deponent herein, do hereby</p> <p>4 declare under penalty of perjury that I have read the</p> <p>5 foregoing deposition and that, to the best of my</p> <p>6 knowledge, said deposition is true and accurate (with</p> <p>7 the exception of the following corrections listed</p> <p>8 below), and affix my signature to said deposition.</p> <p>9</p> <table border="1"> <thead> <tr> <th>10</th> <th>Page</th> <th>Line</th> <th>Correction</th> </tr> </thead> <tbody> <tr><td>11</td><td></td><td></td><td></td></tr> <tr><td>12</td><td></td><td></td><td></td></tr> <tr><td>13</td><td></td><td></td><td></td></tr> <tr><td>14</td><td></td><td></td><td></td></tr> <tr><td>15</td><td></td><td></td><td></td></tr> <tr><td>16</td><td></td><td></td><td></td></tr> <tr><td>17</td><td></td><td></td><td></td></tr> <tr><td>18</td><td></td><td></td><td></td></tr> <tr><td>19</td><td></td><td></td><td></td></tr> <tr><td>20</td><td></td><td></td><td></td></tr> </tbody> </table> <p>21 I declare under penalty of perjury that the</p> <p>22 foregoing is true and correct.</p> <p>23</p> <table border="0"> <tr> <td style="width: 50%; text-align: center;"> <p>24 _____</p> <p>DATE</p> </td> <td style="width: 50%; text-align: center;"> <p>24 _____</p> <p>DAVID LAZAR</p> </td> </tr> <tr> <td style="text-align: center;"> <p>25</p> </td> <td></td> </tr> </table>	10	Page	Line	Correction	11				12				13				14				15				16				17				18				19				20				<p>24 _____</p> <p>DATE</p>	<p>24 _____</p> <p>DAVID LAZAR</p>	<p>25</p>	
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<p style="text-align: right;">Page 26</p> <p>1 A. No.</p> <p>2 Q. You don't have any recollection at all?</p> <p>3 A. I have no -- I don't remember attending --</p> <p>4 I mean, I attend a lot of meetings. But I don't</p> <p>5 remember attending a women's group meeting with the</p> <p>6 chief where the topic of promotions came up. I just</p> <p>7 cannot -- I know I said no, but I just do not</p> <p>8 remember.</p> <p>9 Q. There was a meeting with the Police</p> <p>10 Officers Association in November of 2017 at which</p> <p>11 Chief Scott attended. Do you recall that you</p> <p>12 attended that meeting with him, with Chief Scott?</p> <p>13 A. I would have to say no. But I don't</p> <p>14 remember, no.</p> <p>15 Q. All right. I think that's all I have.</p> <p>16 Thank you for your appearance here today.</p> <p>17 A. Thank you. Very nice to meet you.</p> <p>18 Q. Nice to meet you, too.</p> <p>19 MR. COWNAN: Thank you.</p> <p>20 Madam Court Reporter, City will take an</p> <p>21 electronic copy.</p> <p>22 (The taking of the deposition was</p> <p>23 concluded at 1:39 p.m.)</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 28</p> <p style="text-align: center;">CERTIFICATE OF REPORTER</p> <p>1</p> <p>2</p> <p>3 BE IT KNOWN that the foregoing proceedings</p> <p>4 were taken before me, Michelle K. Seymour, that the</p> <p>5 witness before testifying was duly sworn by me to</p> <p>6 testify to the whole truth; that the foregoing 27</p> <p>7 pages are a full, true and accurate record of the</p> <p>8 proceedings, all done to the best of my skill and</p> <p>9 ability; and that the proceedings were taken down by</p> <p>10 me in shorthand and thereafter reduced to print under</p> <p>11 my direction.</p> <p>12 I CERTIFY that I am in no way related to</p> <p>13 any of the parties hereto nor am I in any way</p> <p>14 interested in the outcome hereof.</p> <p>15 Dated at Flagstaff, Arizona, this 17th day</p> <p>16 of November, 2021.</p> <p>17</p> <p>18 </p> <p>19</p> <p>20</p> <p>21 Michelle K. Seymour / Registered</p> <p>22 Reporter / Arizona Certified Reporter</p> <p>23 No. 50710 / California CSR No. 5643</p> <p>24</p> <p>25</p>																																																